

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CALVIN D. LEE,

Plaintiff,

v.

ORDER

Case No. 23-cv-773-wmc

DEPARTMENT OF CORRECTIONS,  
WISCONSIN,

Defendant.

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CALVIN D. LEE,

Plaintiff,

v.

ORDER

Case No. 23-cv-778-wmc

DR. DAVID GAVITO,

Defendant.

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In an order entered on April 16, 2024, plaintiff Calvin D. Lee was granted leave to proceed on claims against defendants the Wisconsin Department of Corrections and Dr. David Gavito. The Wisconsin Department of Justice filed a Notice indicating that it does not appear on behalf of defendant Dr. David Gavito.

Because plaintiff paid the full \$402 filing fee, he is not proceeding *in forma pauperis*, which means that 28 U.S.C. § 1915(d) does not require that the court effect service on plaintiff's behalf. Rather, I am directing the clerk's office to forward the summons, complaint, and a copy of the court's April 16, 2024, screening order to plaintiff to arrange for service on defendant Dr. David Gavito following a method approved under Fed. R. Civ. P. 4. Attached to

this order is the “Procedure for Serving a Complaint on an Individual in a Federal Lawsuit.” The Attorney General’s office has agreed to accept electronic service of documents on behalf of the defendant it represents through the court’s electronic filing system. This means that for the remainder of this lawsuit, plaintiff does not have to send a paper copy of each document filed with the court to the Attorney General’s office or defendant the Wisconsin Department of Corrections.

However, because the Department is not representing defendant Dr. David Gavito, plaintiff will still be required to send paper copies of each document filed with the court to counsel for Dr. David Gavito. Discovery requests or responses are an exception to the electronic service rule. Usually, those documents should be sent directly to counsel for the opposing party and do not have to be sent to the court. Discovery procedures will be explained more fully at the soon-to-be-scheduled preliminary pretrial conference.

#### ORDER

IT IS ORDERED that the clerk’s office is directed to forward the summons and a copy of the complaint and the court’s April 16, 2024, screening order to plaintiff to arrange for service on defendant Dr. David Gavito. Plaintiff is to promptly serve the summons, complaint,

and April 16<sup>th</sup> screening order on defendant Dr. David Gavito and file proof of service as soon as service has been accomplished.

Entered this 30th day of May, 2024.

BY THE COURT:

/s/

ANDREW R. WISEMAN  
United States Magistrate Judge